

9/29/04

REMARKS

Claim 1 was rejected under Section 103 as unpatentable over a single reference. It is conceded in the office action, that elements of the claimed invention are missing from that cited reference. Given that fact, a *prima facie* rejection is not made out. In order to make a *prima facie* rejection, the prior art must teach all of the claimed elements. In the case of a single prior art Section 103 rejection that would mean that the single reference must teach how to modify itself. But, plainly, in this case, it does not. It is insufficient to simply argue that anything not in the reference would be obvious per se. No such principle exists.

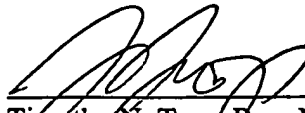
Since the *prima facie* rejection is not made out, reconsideration is respectfully requested.

The rejection of claim 1 under Bertrand and the rejection of claim 1 under Oh suffer from the same deficiency. Likewise, the rejection of claim 26, based on the single Section 103 rejection, is similarly incapable of making out a *prima facie* rejection.

Therefore, reconsideration is respectfully requested.

Respectfully submitted,

Date: September 27, 2004



Timothy N. Trop, Reg. No. 28,994
TROP, PRUNER & HU, P.C.
8554 Katy Freeway, Ste. 100
Houston, TX 77024
713/468-8880 [Phone]
713/468-8883 [Fax]